

ASSEMBLY BILL

No. 2460

Introduced by Assembly Member Ammiano

February 19, 2010

An act to amend Section 878 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 2460, as introduced, Ammiano. Witnesses: appearance before trial court: written undertakings.

Existing law allows the magistrate or judge to require a material witness in a case to appear and testify and to require the witness to sign a written undertaking that he or she will appear and testify or forfeit \$500.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 878 of the Penal Code is amended to
- 2 read:
- 3 878. On holding the defendant to answer or on a plea of guilty
- 4 where permitted by law, the magistrate may take from each of the
- 5 material witnesses examined before him *or her* on the part of the
- 6 people a written undertaking, to the effect that ~~he~~ *the witness* will
- 7 appear and testify at the court to which the depositions and

- 1 statements or case are to be sent, or that he *or she* will forfeit the
- 2 sum of five hundred dollars \$500.

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